APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/458,605	12/10/1999	KOJI URASAWA	9976-007-(BO	9071

570 7590 10/07/2003	EXAMINER	
AKIN GUMP STRAUSS HAUER & FELD L.L.P.	TRAN, DOUGLAS Q	
ONE COMMERCE SQUARE		
2005 MARKET STREET, SUITE 2200	ART UNIT	PAPER NUMBER
PHILADELPHIA, PA 19103-7013	2624	

DATE MAILED: 10/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _29 May 2003_ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _11-27_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _11-27_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

     If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____ .

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

     a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims 11-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over the

combination of Dermer et al. (US Patent No. 6,515,763) and Shimizu (US Patent No. 6,490,055).

As to claim 11, Dermer teaches a printing data processor comprising:

a printing data memory for storing printing data with page description language form

output from a host;

an editing process part which, while editing, at every page (fig. 5), the printing data into

intermediate form (i.e., display list) in between the page description language form and printable

bit map form, generates page state information indicating the state of the page based on the

printing data output from the host (see fig. 1and col. 4, lines 32-40).

Although Dermer teaches the printing data is performed at the print engine, Dermer does

not teaches the printing data is judge based on the page state information and a printing process

is performed.

Shimizu teaches the printing data is judge based on the page state information and a

printing process is performed (9 in fig. 1 and see step of 11 1 and 112 in fig. 6).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Dermer for the printing data is judge based on the page state information and a printing process is performed as taught by Shimizu. The suggestion for modifying the system of Dermer can be reasoned by one of ordinary skill in the art as set forth above by Shimizu because of such modification system would increase the reliability and more accuracy when the print data is performed based on the state of page information.

As to claim 12, Dermer discloses every feature discussed in claim 11 , and further teaches of the editing process part has a page state information memory for storing the page state information corresponding to the page, wherein with respect to the page, a final page state information stored in the page state information memory is added into the printing data with intermediate form (please see step of 116 and fig. 1).

As to claim 13, Dermer discloses every feature discussed in claim 12, and further teaches the page state information added into the printing data with intermediate form has the same form as the intermediate form ((please see fig. 3a).

As to claim 14, Dermer disclose every feature discussed in claim 11, and further teaches the page state information indicates whether color data or monochrome data is printed on the page (please see step of 206 and fig. 2).

As to claim 15, Dermer disclose every feature discussed in claim , and further teaches

the editing process part has a decoding process part for separating the printing data output from

the host into commands; and a command process part for executing a pre-process with respect to

each command output from the decoding part (fig. 3b).

As to claim 16, Dermer disclose every feature discussed in claim , and further teaches

the printing data with intermediate form is printing data expressed by display list form (fig. 1).

As to claim 17, Dermer disclose every feature discussed in claim, and further teaches a

reading out part for reading out the page state information, in order to control a printing

operation depending upon the page state information (fig. 5).

As to claim 18, Dermer teaches:

a printing data receiving for receiving printing data output from a host; a page state

judgment part for judging the state of the printing data at every page based on received the

printing data (note: a printing data memory (1004 in fig. 10) for storing printing data with page

description language form output from a host (fig. 1);

a plurality of usagewise-separated register process parts respectively corresponding to

judgment results of the page state judgment part; and a selection process part which judges based

on the judgment results of the page state judgment part; and a selection process part which

judges based on the judgment results of the page state judgment part and selects a most suitable

one from the plurality of usagewise-separated register process parts (see fig. 1 and col. 4, lines 32-40).

Although Dermer teaches the printing data is performed at the print engine, Dermer does not teaches the printing data is judge based on the page state information and a printing process is performed.

Shimizu teaches the printing data is judge based on the page state information and a printing process is performed (9 in fig. 1 and see step of 11 1 and 112 in fig. 6).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Dermer for the printing data is judge based on the page state information and a printing process is performed as taught by Shimizu. The suggestion for modifying the system of Dermer can be reasoned by one of ordinary skill in the art as set forth above by Shimizu because of such modification system would increase the reliability and more accuracy when the print data is performed based on the state of page information.

As to claim 19, Dermer disclose every feature discussed in claim, and further teaches a printing speed decision part for changing printing speed, wherein the printing speed decision part decides printing speed from a judgment result of the page state judgment part for one page being printed, and a judgment result of the page state judgment part for other page following the one page, according to a predetermined decision rule (fig. 2 and 3a).

As to claim 20, Dermer disclose every feature discussed in claim 19, and further teaches the printing speed of color is slower than the printing speed of monochrome (fig. 2).

As to claim 21, Dermer disclose every feature discussed in claim 20, and further teaches

following a monochrome printing is set by the printing speed of color (fig. 2).

As to claim 22, Dermer disclose every feature discussed in claim , and further teaches

the page state judgment part judges whether the printing data is color data or monochrome data

(fig. 1).

As to claim 23, Dermer disclose every feature discussed in claim , and further teaches if

monochrome data and color data are intermingling in printing data of one page, the page state

judgment par judges that the page is color data (fig. 5).

As to claim 24, Dermer disclose every feature discussed in claim 18, and further teaches

a system management part for judging the timing for expansively processing the printing

data received from the host into printing data with bit map format bit map printing data memory

for storing the printing data with bit map form, wherein the system management part judges a

memory use amount used for expanding the printing data to be expanded into printing data with

bitmap form, based on the judgment results of the page state judgment part; and selectively

stores the printing data into either of the printing data memory and the bit map printing data

memory, depending upon the memory use amount (fig. fig. 4).

As to claim 25, Dermer disclose every feature discussed in claim 24, and further teaches the system management part, when it is judged that the memory use amount corresponding to the printing data is bigger, stores the printing data into the printing data memory; and when it is judged that the memory use amount corresponding to the printing data is smaller, stores the printing data with bitmap form in expanded state into the printing data memory (fig. 3a).

As to claim 26, Dermer disclose every feature discussed in claim 18, and further teaches the usagewise separated register process part is provided in an expansion process part for expanding the edited printing data (fig. 3b).

As to claim 27, Dermer disclose every feature discussed in claim 18, and further teaches an expansion process part expands the printing data into memory obtained based on a judgment result of the page state judgment part (114 in fig. 1).
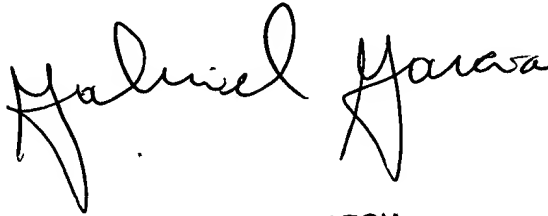
Response to Arguments

Applicant's arguments with respect to claims 11-27 have been considered but are moot in view of the new ground(s) of rejection. This action is made **non-final**.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas Q. Tran whose telephone number is (703) 305-4857 or E-mail address is Douglas.tran@uspto.gov.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Douglas Q. Tran
Sep. 30, 2003

GABRIEL GARCIA
PRIMARY EXAMINER